

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **MAY 07 2014** ★

**LONG ISLAND OFFICE**

-----X  
MICHAEL NAPOLI,

Plaintiff,

-against-

243 GLEN COVE GRIMALDI, INC., et al.

Defendants.  
-----X

ORDER

13-CV-5828 (JFB)(WDW)

JOSEPH F. BIANCO, District Judge:

For the reasons set forth on the record on May 6, 2014, defendants' motion to dismiss is denied in its entirety. With respect to plaintiff's motion to amend the Second Amended Complaint, plaintiff shall submit the proposed Third Amended Complaint to defendants, who shall then notify the Court by letter no later than May 19, 2014, whether defendants will oppose the filing of the Third Amended Complaint. If defendants oppose the amendment, they shall propose in the letter a briefing schedule for the motion; if they do not oppose the amendment, they shall propose a date for their answer to the Third Amended Complaint.

SO ORDERED,

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Joseph F. Bianco  
United States District Judge

Dated: May 7, 2014  
Central Islip, New York /